

U.S. MAGISTRATE JUDGE J. KELLEY ARNOLD

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

ROBBIE L. FRUNZ,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil No. C07-5428JKA

ORDER FOR REMAND

Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to the administrative law judge to hold a de novo hearing and (1) further evaluate Plaintiff's migraine headaches, clarifying his findings regarding migraines, substance abuse, and the materiality of substance abuse related to migraines; (2) further evaluate Plaintiff's mental impairments, including depression, panic disorder with agoraphobia, specific phobia, and adjustment disorder at step two, specifically applying the special technique in 20 C.F.R. §§ 404.1527, 416.927 and making the findings required by 20 C.F.R. §§ 404.1520a(c), 416.920a(c); consider Plaintiff's substance abuse pursuant to 20 C.F.R. §§ 404.1535, 416.935, if

relevant; (3) fully evaluate the opinions of John Frederick, M.D., Kristine Harrison, Psy.D., and Sukhinderpal Aulakh, M.D.; (4) evaluate the statements of lay witness, Sophie McDuffie; (5) further evaluate the lay statements of Joe Frunz; (6) further evaluate Plaintiff's credibility setting forth clear and convincing reasons for the evaluation; and (7) evaluate the VA determination at Exhibit 16E, giving great weight as directed by McCartey v. Massanari, 298 F.3d 1072 (9th Cir. 2002). Plaintiff may present new arguments and further medical evidence, if such evidence becomes available.

This case is reversed and remanded on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

DATED this 17<sup>th</sup> day of January, 2008.

/s/ J. Kelley Arnold

J. KELLEY ARNOLD

UNITED STATES MAGISTRATE JUDGE

Presented by:

/s/

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